



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,813	12/08/2003	Takashi Usami	Q78827	9244
23373	7590	04/14/2004	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			KOSLOW, CAROL M	
		ART UNIT	PAPER NUMBER	
		1755		

DATE MAILED: 04/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/728,813	USAMI ET AL.
	Examiner	Art Unit
	C. Melissa Koslow	1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) 4 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 December 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 09/917,871.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/8/03.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

The abstract of the disclosure is objected to because it is not directed to the claimed subject matter. It refers to a lamp cover, not a UV absorbing film. Correction is required. See MPEP § 608.01(b).

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

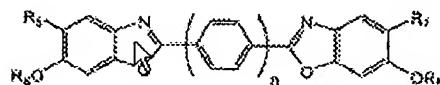
The European Search report was considered, but it has a line drawn through it since search reports are not art.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication 2003/0170467 (Cornelius et al) in view of U.S. Patent 3,798,231 (Fleck et al).

Cornelius et al teaches an ultraviolet filter film comprising a transparent support layer, an adhesive layer and a UV blocking layer which comprises an ultraviolet absorber and fluorescent optical brightener which absorbs light in the region of 340-400 nm and emits light in the range of 400-500 nm. Paragraph 0105 teaches oxazole type optical brighteners are preferred. Cornelius et al does not teach the claimed optical brightener. Fleck et al teach an oxazole type optical

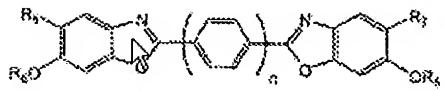

brightener having the formula $\text{R}_6\text{O}-\text{C}_6\text{H}_3-\text{N}=\text{C}(\text{O})-\text{C}_6\text{H}_3-\text{N}=\text{C}(\text{O})-\text{C}_6\text{H}_3-\text{O}-\text{R}_7$, where n is 4, R_6 and R_8 are alkyl with 1-4 carbon atoms and R_5 and R_7 can be an alkyl with 1-4 carbon atoms. This

brightener absorbs light in the region of 340-400 nm and emits light in the red-violet range, which is within the 400-500 nm range. Accordingly, one of ordinary skill in the art would have found it obvious to use the brightener of Fleck et al as the fluorescent optical brightener since the one in Fleck et al has the properties required by Cornelius et al. While the references do not teach a mold releasing paper, the coating in Cornelius et al is applied to articles using the adhesive layer. It is notoriously well known in the art to place a mold releasing paper over an adhesive layer of a film to protect the adhesive layer until one of ordinary skill is ready to apply the film to an article. The references suggest the claimed film.

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleck et al.

As stated above, this reference teaches an optical brightener having the formula



, where n is 4, R₆ and R₈ are alkyl with 1-4 carbon atoms and

R₅ and R₇ can be an alkyl with 1-4 carbon atoms. Column 11, lines 40-43 teach films comprising this brightener, which absorbs ultraviolet light. Thus the reference teaches an ultraviolet absorbing film and suggests the claimed film.

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

There is no teaching or suggestion in the cited art of record of a film comprising an optical brightener having the claimed formula.

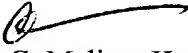
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa Koslow whose telephone number is (571) 272-1371. The examiner can normally be reached on Monday-Friday from 8:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Bell, can be reached at (571) 272-1362.

The fax number for all official communications is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmk
April 13, 2004


C. Melissa Koslow
Primary Examiner
Tech. Center 1700